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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/500,439	02/09/2000	Joann Ruvolo	AM9-99-0133	2623
26381	7590	07/02/2004	EXAMINER	
LACASSE & ASSOCIATES, LLC 1725 DUKE STREET SUITE 650 ALEXANDRIA, VA 22314			GART, MATTHEW S	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/500,439

Applicant(s)

RUVOLO ET AL.

Examiner

Matthew s Gart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-15,17-26 and 28-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-15,17-26 and 28-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

Claims 3, 16 and 27 were canceled via the Applicant's amendment filed May 3, 2004. Claims 1-2, 4-15, 17-26 and 28-37 are pending in the instant application.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-2, 4-15, 17-26 and 28-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy U.S. Patent No. 5,831,611 in view of Xcontact (PTO-892, Ref U).**

Referring to claim 1. Kennedy discloses a computer-based method of dynamically presenting potential contacts to a user comprising the following steps:

- Retaining user preferences, wherein said user preferences comprise any of, or a combination of: professional or personal contacts, preference on initiating the searching step, time-based references, select algorithms, or maximum number of candidates to select (Kennedy: column 1, lines 26-37, "Businesses are now able to keep large amounts of information on business contacts in databases, and the businesses are able to retrieve specific portions of the database according to complex search and sort algorithms");

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- Retaining a list of possible contacts, said list comprising at least identifying information of said contacts (Kennedy: column 1, lines 26-37);
- Automatically initiating searching said list of possible contacts to select at least one potential contact based on said user preferences (Kennedy: column 1, lines 49-59, "...automatic follow-up reminders."),
- Retaining said at least one potential contact selected during said search (Kennedy: column 2, lines 16-21), and
- Displaying to the identifying information of said at least one potential contact identified during said automatic searching to automatically remind the user to stay in touch with said at least one potential contact (Kennedy: column 1, lines 49-59, "...automatic follow-up reminders.").

Kennedy does not expressly disclose retaining and displaying available images of said contact. Xcontact discloses retaining and displaying available images of said contact (Xcontact: page 2). Although this form is not found in Kennedy, it would have been obvious to have provided the method of Kennedy to have included the limitations as taught by Xcontact because the importance of communication with current, former and future customers, vendors and co-workers is very important to the success of a business (Kennedy: column 1, lines 15-27). Moreover, to have modified the method of Kennedy to have included images would have been obvious to the skilled artisan because the inclusions of such components would have been an obvious matter of design choice in light of the method already disclosed by Kennedy. Such modifications would not have otherwise affected the method of Kennedy and would merely represent

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one of numerous steps that the skilled artisan would have found obvious because the successful performance of a business relies upon establishing and then adhering to a set of contact communication protocols (Kennedy: column 1, lines 15-27) as disclosed by Kennedy et al.

Referring to claim 2. Kennedy further discloses user preferences wherein said user preferences comprise either preferences input by the user or pre-selected default preferences (Kennedy: column 1, lines 27-59).

Referring to claim 4. Kenned further discloses a list of contacts comprising any of: Name, organization, work address, home address, telephone numbers, pager numbers, cellular numbers, e-mail address, personal or professional identifiers, special dates, and contact dates (Kennedy: Figure 5).

Referring to claim 5. Kennedy further discloses a method wherein an automatic searching step is initiated automatically by a time-based reference (Kennedy: column 2, lines 46-58 and claims 12-13).

Referring to claim 6. Kennedy further discloses a method wherein a time-based reference comprises any of: frequency of contact, time between contacts, or calendar-based contact (Kennedy: column 2, lines 13-58).

Referring to claim 7. Kennedy further discloses a search module comprising, comparing applicable time-based references stored in said user preferences with said timer module, and upon a positive comparison, initiating said search (Kennedy: column 1, lines 38-59).

Referring to claim 8. Kennedy further discloses a method wherein selection of a potential contact in said search step is either random or based on a select algorithm (Kennedy: column 1, line 15 to column 2, line 10).

Referring to claim 9. Kennedy further discloses a method wherein said search step is repeated until said maximum number of candidates for selection has been achieved (Kennedy: Figure 15).

Referring to claim 10. Kennedy in view of Xcontact discloses a method according to claim 1 as indicated supra. Xcontact further discloses a computer-based method and system wherein displaying step further comprises insertion of said available image or identifying information into a GUI (Xcontact: page 4).

Referring to claim 11. Kennedy in view of Xcontact discloses a method according to claim 10 as indicated supra. Xcontact further discloses a computer-based method and system wherein a GUI comprises an electronic organizer (at least page 2, *browser sample*).

Referring to claims 12 and 13. Kennedy further discloses a method wherein said method may be implemented locally or remotely on one or more computer based systems, across networks, LANs, WANs, cellular, Internet, Web-based networks or existing communication mediums (Kennedy: abstract).

The Examiner notes, the use of the term "may" as recited in claim 12 causes the limitation to be conditional and therefore is given little patentable weight.

Referring to claims 14-15 and 17-25. Claims 14-15 and 17-25 are rejected under the same rationale as set forth above in claims 1-2 and 3-13.

Referring to claims 26 and 28-37. Claims 26 and 28-37 are rejected under the same rationale as set forth above in claims 1-2 and 3-13.

### ***Response to Arguments***

Applicant's arguments with respect to claim 1-2, 4-15, 17-26 and 28-37 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

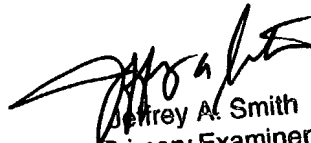
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew s Gart whose telephone number is 703-305-5355. The examiner can normally be reached on 8:30AM to 5:00PM m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MSG  
June 17, 2004

  
Jeffrey A. Smith  
Primary Examiner